REMARKS

Claims 1-22 are pending in the application. Claims 1-22 were rejected by the Office Action of March 10, 2005. Reconsideration of the claim rejections is requested in view of the claim amendments, together with the discussion during the Examiner interview of May 4, 2005 and the following remarks.

Independent claims 1, 9 and 17 are herewith amended to more clearly recite the claimed invention. No new matter has been added. Further, claims 2, 5, 10, 13 and 18 are herewith canceled.

Claims Rejected Under 35 U.S.C. § 102(a)

The Office Action rejects claims 1, 2, 9, 10, 17 and 18 under 35 U.S.C. 102(a) as being anticipated by **Katahara** (U.S. Patent 6,407,882). Applicants traverse the claims rejection.

In order to serve as a §102 reference, the reference must teach every aspect of the claimed invention either explicitly or impliedly (MPEP §706.02). The cited reference Katahara has not done so for at least the following reasons.

Katahara describes an adhesive contained within a base recess, which swells out against coils:

> "An annular recess 40 is formed on the housing base 11a so as to extend in the circumferential direction of the magnetic disks 16. When an adhesion 41 is poured into the annular recess 40, the exposed surface of the adhesion 41 is adapted to receive the lower ends of the coils 33." (Katahara, col. 5, lines 21-25).
>
> "...the coils 33 are urged against surface of the adhesion 41 which swells and is exposed out of the annular recess 40." (Katahara, col. 5, lines 47-49).

Further, Katahara describes a pedestal and fixing pin, which is different than Applicants invention.

In contrast, Applicants invention claims:

> "... a bonding substance, formed substantially about the stator, substantially filling the separation and uniting the base plate, a motor seal and the stator..." (Applicants independent claims 1 and 9, in part, as amended, emphasis added.)

Applicants claim 17, in method form, includes comparable limitations as claims 1 and 9. Further, rejected claims 2, 10 and 18 are canceled.

Claims Rejected Under 35 U.S.C. § 102(b)

The Office Action rejects claims 1, 5, 9, 13 and 17 under 35 U.S.C. 102(b) as being anticipated by **Dunfield** (U.S. Patent 5,774,974). Applicants traverse the claims rejection.

In order to serve as a §102 reference, the reference must teach every aspect of the claimed invention either explicitly or impliedly (MPEP §706.02). The cited reference Dunfield has not done so for at least the following reasons.

Dunfield describes a wire guide, which maintains a different function as compared to a motor seal:

> "A wire guide coupled to the stator assembly positions wires of the stator windings adjacent the electrical contacts of the wiring assembly." (Dunfield, Abstract).

Further, in contrast to Applicants invention, Dunfield describes:

> "The spacing between ring 40 (wire guide) and motor base 52 should be small enough to prevent the flow of adhesive between ring 40 and base 52." (Dunfield, col. 4, lines 11-13).

In contrast, Applicants present invention claims a motor seal, a base plate and a stator united as one component. Further, Dunfield fails to teach minimizing the axial thickness of the base plate:

> "... a bonding substance, formed substantially about the stator, substantially filling the separation and uniting the base plate, a motor seal and the stator, wherein the base plate axial thickness is minimized adjacent to the separation." (Applicants independent claims 1 and 9, in part, as amended, emphasis added.)

Applicants claim 17, in method form, includes comparable limitations as claims 1 and 9. Further, rejected claims 5 and 13 are canceled.

The Office Action rejects claims 1, 3, 7, 9, 11, 15, 17, 19 and 22 under 35 U.S.C. 102(b) as being anticipated by **Kuwert** (U.S. Patent 5,986,365). Applicants traverse the claims rejection.

In order to serve as a §102 reference, the reference must teach every aspect of the claimed invention either explicitly or impliedly (MPEP §706.02). The cited reference Kuwert has not done so for at least the following reasons.

Kuwert describes insulating a stator from a base flange, and completely extrusion-coat a stator. In contrast, Applicants invention claims uniting the stator, base plate and a motor seal as one component.

Kuwert describes its objectives:

> "... it is the object of the present invention to suggest a spindle motor that offers considerably improved suppression of electromagnetic noise and where release of dirt particles from the stator winding is prevented." (Kuwert, col. 1, lines 40-44).

In contrast, Applicants present invention claims a motor seal, a base plate and a stator united as one component, and minimizing the axial thickness of the base plate:

> "... a bonding substance, formed substantially about the stator, substantially filling the separation and uniting the base plate, a motor seal and the stator, wherein the base plate axial thickness is minimized adjacent to the separation." (Applicants independent claims 1 and 9, in part, as amended, emphasis added.)

Further, in contrast to Applicants claimed invention, Kuwert fails to describe or suggest a low profile motor or minimizing the axial thickness of a base plate.

Applicants claim 17, in method form, includes comparable limitations as claims 1 and 9. Further, it is submitted that claims 3 and 7 depend on claim 1, claims 11 and 15 depend on claim 9, and claims 19 and 22 depend on claim 17, and that these respective dependent claims are allowable for at least the reasons as discussed in regards to the independent claims 1, 9 and 17.

The Office Action rejects claims 1, 8, 9, 16, 17 and 20 under 35 U.S.C. 102(b) as being anticipated by **Takeda** (U.S. Patent 6,104,114). Applicants traverse the claims rejection.

In order to serve as a §102 reference, the reference must teach every aspect of the claimed invention either explicitly or impliedly (MPEP §706.02). The cited reference Takeda has not done so for at least the following reasons.

Takeda describes receiving holes formed on the base plate to correspond to the teeth of the stator. However, in contrast to the present invention, Takeda fails to teach using adhesive about the stator (Takeda utilizes adhesive only in a receiving hole), and uniting a motor seal, base plate and stator as one component.

In contrast, Applicants present invention claims:

> "... a bonding substance, formed substantially about the stator, substantially filling the separation and uniting the base plate, a motor seal and the stator..." (Applicants independent claims 1 and 9, in part, as amended, emphasis added.)

Applicants claim 17, in method form, includes comparable limitations as claims 1 and 9. Further, it is submitted that claim 8 depends on claim 1, claim 16 depends on claim 9, and claim 20 depends on claim 17, and that these respective dependent claims are allowable for at least the reasons as discussed in regards to the independent claims 1, 9 and 17.

Claims Rejected Under 35 U.S.C. § 103(a)

The Office Action rejects claims 4 and 12 under 35 U.S.C. 103(a) as being anticipated by Kuwert (U.S. Patent 5,986,365), and rejects claims 6, 14 and 21 under 35 U.S.C. 103(a) as being anticipated by Katahara (U.S. Patent 6,407,882).

Since it is submitted that the independent amended claims 1, 9 and 17 are allowable and non-obvious in view of the cited references, the rejected dependent claims 4, 6, 12, 14 and 21, being dependent on the independent claims, are thus patentable over the cited references for at least the reasons as stated above. That is, the cited references fail to individually teach every aspect of the claimed invention either explicitly or impliedly.

Further, the cited references, even as combined, do not teach or suggest Applicants claimed invention. Moreover, the dependent claims 4, 6, 12, 14 and 21 recite further features and combinations of features that are patentably distinct from the cited references. In particular, the references do not teach or suggest applying a thermally conductive epoxy of either TC-2707 or DP-190 in combination with the subject matter of Applicants independent claim. Additionally, the

references do not teach or suggest an axial thickness of the base plate in the range of 0.1 mm. to 0.3 mm. in combination with the subject matter of Applicants independent claim.

CONCLUSION

In view of the foregoing, it is submitted that amended claims 1-22 patentably define the subject invention over the cited reference of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes a telephone conference would be useful in moving the case forward, please contact the undersigned at Tel. (310) 312-1500.

Respectfully submitted,

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Dated: May 7, 2005

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 7, 2005.

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Virginia Wilson *May 7, 2005*